

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**LEON FOY, #125322**

**v.**

**CIVIL ACTION NO. 2:05-CV-946-F**

**BOB RILEY, ET AL**

**Defendants**

**ANSWER**

Come now the Defendants Riley, King, Campbell and Whaley and file this, their Answer in response to the allegations contained in the Complaint.

1. No response necessary.
2. Deny.
3. Deny so much of the allegation concerning increased risk of violence.
4. Deny.
5. No response necessary.
6. No response necessary.
7. Deny.
8. Admit.
9. Admit.
10. No response necessary.
11. No response necessary.
12. No response necessary.
13. No response necessary.
14. No response necessary.

15. Admit.

16. No response necessary.

17. Deny.

18. Deny.

19. Deny.

20. Deny.

21. Deny.

22. Deny.

23. Admit.

24. Admit.

25. Deny.

26. Deny.

27. Deny.

28. Deny

29. Deny.

30. Deny.

31. Deny.

32. Deny.

33. Deny.

34. Deny.

35. Deny.

36. Deny.

37. Deny.

38. Deny that overcrowding inevitably causes and exacerbates other impermissible prison conditions.

39. Deny.

40. Deny.

41. Deny.

42. Deny.

43. Deny.

44-54. Paragraphs 44 through 54 are prayers for relief and no response is necessary.

Wherefore, the Defendants deny all material allegations and demand strict proof thereof.

#### **AFFIRMATIVE DEFENSES**

1. The Defendants deny that any of the Plaintiff's constitutional rights have been violated.
2. The complaint fails to state a claim upon which relief can be granted.
3. The Plaintiff lacks standing to bring this action.
4. The Defendants cannot be held liable in a 42 U.S.C § 1983 civil action for violations of the Plaintiff's constitutional rights under a theory of Respondeat Superior.
5. The Defendants have sovereign immunity pursuant to § 14 of the Alabama Constitution of 1901 and the Eleventh Amendment of the United States Constitution.
6. The Defendants have Qualified Immunity.
7. The Court lacks subject matter jurisdiction.

Respectfully submitted on this the 19th day of January, 2005.

TROY KING  
ATTORNEY GENERAL

/s/ Jack Wallace, Jr.  
Jack Wallace, Jr. (WAL047)  
Assistant Attorney General

Address of Counsel:

Attorney General's Office  
11 South Union  
Montgomery, AL 36130  
334.353.8671

**CERTIFICATE OF SERVICE**

I certify that I have served a true and correct copy of the foregoing motion or pleading upon the Plaintiff at the address indicated below by First Class Mail on this the 19th day of January, 2006.

/s/ Jack Wallace, Jr.

Andre Lavel Webster  
AIS # 159444  
Elmore Correctional Facility  
P. O. Box 8  
Elmore, AL 36025

Leon Foy (Civil Action No. 2:05-CV-946-F)  
AIS #125322  
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